

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

JES

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NRF,
9-7-04

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year) 26.01.2004

Applicant's or agent's file reference P59533PC00	IMPORTANT NOTIFICATION	
International application No. PCT/NL03/00012	International filing date (day/month/year) 09/01/2003	Priority date (day/month/year) 09/01/2002
Applicant FOUNTAIN TECHNOLOGIES B.V. et al.		

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

For the purpose of deciding whether the claimed invention is patentable or not, the elected Offices may apply criteria additional to or different from the criteria on which the international preliminary examination report is based (see Articles 27(5), 33(5)). Additional criteria may include e.g. exemptions from patentability and the requirements of enabling disclosure and of clarity and support of claims.

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P59533PC00	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/NL03/00012	International filing date (day/month/year) 09/01/2003	Priority date (day/month/year) 09/01/2002	
International Patent Classification (IPC) or national classification and IPC G11B33/04			
Applicant FOUNTAIN TECHNOLOGIES B.V. et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 08/08/2003	Date of completion of this report 26.01.2004
Name and mailing address of the International preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Stemmer, M Telephone No. +49 89 2399 2282



**INTERNATIONAL PRELIMINARY
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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-18 as originally filed

Claims, No.:

1-28 as received on 10/12/2003 with letter of 08/12/2003

Drawings, sheets:

1/11-11/11 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.: 29

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the drawings, sheets:

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)): *(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

restricted the claims.

paid additional fees.

paid additional fees under protest.

neither restricted nor paid additional fees.

2. This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

complied with.

not complied with for the following reasons:
see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

all parts.

the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims 1-28
	No: Claims
Inventive step (IS)	Yes: Claims 1-21,23-28
	No: Claims 22

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Industrial applicability (IA) Yes: Claims 1-28
No: Claims

2. Citations and explanations
see separate sheet

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Re Item IV

Lack of unity of invention

1. The newly filed set of claims contains two independent device claims 1 and 22. The common feature of the device claims 1 and 22 being the following is known from D1 (reference signs hereafter are applying to D1):
A device (10) for packaging substantially platelike information carriers (50), provided with a first and a second cover part (12,14), wherein at least one of the cover parts is provided with receiving means (30,42,70,72) for engaging and locking at least one information carrier, while the information carrier can be taken out by sliding it approximately parallel to its surface (D1 col 2 l 12-45; col 3 l 5-20 and l 47-60; fig 1-4).
The requisite unity of invention (Rule 13.1 PCT) therefore no longer exists inasmuch as a technical relationship involving one or more of the same or corresponding special technical features in the sense of Rule 13.2 PCT does not exist between the subject-matter of the following groups of dependent claims:
(i) "resilient element" concept of claims 1-21 and claims 23-28 as far as dependent on / being in accordance with claim 1.
(ii) "inlay" concept of claims 22 and claims 23-28 as far as dependent on / being in accordance with claim 22.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: US-A-5 676 246 (GLOGER KLAUS WILLY) 14 October 1997 (1997-10-14)

2. The subject-matter of claims 1-21 and 23-28 as far as dependent on / being in accordance with claim 1 is considered to be novel (Art 33(2) PCT) and involving an inventive step (Art 33(3) PCT).
The subject-matter of claim 22 is not involving an inventive step (Art 33(3) PCT) for the following reasons:

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3. As for independent claim 1 document D1 discloses (reference signs hereafter are applying to D1) a device (10) for packaging substantially platelike information carriers (50), provided with a first and a second cover part (12,14), wherein at least one of the cover parts is provided with receiving means (30,42,70,72) for engaging and locking at least one information carrier, which receiving means comprise at least two guide elements (30,72), which can guide and lock at least a portion of an outer edge of the information carrier, such that during use the information carrier can be slid into or under the guide elements, while the information carrier can be taken out of the package by sliding it approximately parallel to its surface and approximately parallel to the respective cover part (D1 col 2 l 12-45; col 3 l 5-20 and l 47-60; fig 1-4);
from which the disclosure of claim 1 differs in that
the or each cover part in which the receiving means are provided has such dimensions that at least one information carrier is positionable thereon in a free position, at least partly next to the receiving means, and is subsequently slidable along the cover part into the receiving means to a lock position.
The problem to be solved can be considered as to provide a position for the information carrier can be placed on the cover prior to slide it to the lock position. The combination of the features is neither known from, nor rendered obvious by, the available prior art. Claim 1 can therefore be considered as novel (Art 33(2) PCT) and involving an inventive step (Art 33(3) PCT).

This applies mutatis mutandis to the independent method claim 28.

Claims 2-21, 23-27 depending on claim 1 and thus including all features of claim 1 are also considered as novel (Art 33(2) PCT) and involving an inventive step (Art 33(3) PCT).

4. As for independent claim 22 the feature of a cover part provided with an inlay with the features as stipulated in the preamble of claim 1 for the cover part itself is considered to be a normal design option within the scope of what a skilled person who would thus provide this feature to achieve the advantage readily foreseeable by the application of said design option.
The subject-matter of claim 22 can therefore not be considered as involving an inventive step (Article 33(3) PCT).

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New Claims

1. A device for packaging substantially platelike information carriers, provided with a first and a second cover part, wherein at least one of the cover parts is provided with receiving means for engaging and locking at least one information carrier, which receiving means comprise at least two guide elements, which can guide and lock at least a portion of an outer edge of the information carrier, such that during use the information carrier can be slid into or under the guide elements, while the information carrier can be taken out of the package by sliding it approximately parallel to its surface and approximately parallel to the respective cover part, characterized in that the or each cover part in which the receiving means are provided has such dimensions that at least one information carrier is positionable thereon in a free position, at least partly next to the receiving means, and is subsequently slidable along the cover part into the receiving means to a lock position.
2. A device according to claim 1, wherein at least one resilient element is provided, which, when an information carrier has been received in the device, engages against a longitudinal edge of the information carrier, while the information carrier can be taken out of the package by sliding it approximately parallel to its surface and approximately parallel to the respective cover part, while elastically deforming the at least one resilient element.
3. A device according to claim 1 or 2, wherein the guide elements comprise rail-shaped elements, dimensioned and positioned such that an information carrier can be slid into them by at least a portion of its longitudinal edge, with a sliding fit or with minor clearance with respect to the dimensions of the information carrier.
4. A device according to claim 3, arranged for receiving substantially circular, platelike information carriers such as CDs, wherein the rail-shaped

elements are slightly curved, having a bend radius substantially corresponding to the radius of the information carriers to be received, and each include a circular segment, which rail-shaped elements are disposed approximately symmetrically with respect to a first axial line, along an imaginary circle
5 approximately corresponding to the outer contour of the information carrier to be received, such that the information carrier is slidable into the rail-shaped elements from an infeed side and the possible displacement is limited by the rail-shaped elements.

5. A device according to claim 4, wherein adjacent the infeed side at least
10 one resilient element is provided for locking an information carrier in the rail-shaped elements, which resilient elements, when an information carrier has been received in the rail-shaped elements, are positioned on the side of a second axial line, extending at right angles to the first axial line, of the information carrier, remote from the rail-shaped elements.

15 6. A device according to claim 5, wherein the or each resilient element, when an information carrier has been received in the rail-shaped elements, lies at a small distance from or against the longitudinal edge of the information carrier, while the or each resilient element is at least substantially not deformed, such that substantially without stress the information carrier is
20 locked and is substantially secured against movement in the receiving means.

7. A device according to any one of the preceding claims, wherein the or each respective cover part is at least partly provided with an upstanding longitudinal edge, while during use an information carrier is slidable within the longitudinal edge between the free position and the received position.

25 8. A device according to any one of the preceding claims, wherein the receiving means are designed such that an information carrier received therein has at least the greater part of its approximately flat outer side held in spaced relation from the cover parts, both in the open and in the closed condition of the device.

9. A device according to any one of the preceding claims, wherein the cover parts are mutually connected by a back, while at least one of the cover parts and preferably both cover parts are connected with the back through hinge means, the device being preferably manufactured by injection molding from plastic with integrally injection molded hinges (living hinges).

10. A device according to claim 9, wherein the receiving means define a sliding direction for the information carrier for placing the information carrier in the receiving means or removing it therefrom, which sliding direction extends substantially parallel to the longitudinal direction of the back.

10 11. A device according to claim 9, wherein the receiving means define a sliding direction for the information carrier for placing the information carrier in the receiving means or removing it therefrom, which sliding direction extends substantially at right angles to the longitudinal direction of the back.

12. A device according to any one of the preceding claims, wherein the receiving means are arranged for receiving at least two information carriers on at least one of the cover parts, in particular approximately above each other.

15 13. A device according to any one of the preceding claims, wherein the thickness of the device in closed position is less than 9 mm, in particular less than 8 mm.

20 14. A device according to any one of the preceding claims, wherein the device has outside dimensions, at least at right angles to the thickness, which correspond approximately to the dimensions of a standard DVD box (about 135 x 190 mm).

15. A device according to any one of the preceding claims, wherein an information carrier is positionable in a first, free position on a cover part, wherein means are provided for supporting the information carrier on a part of at least one outer surface, located adjacent the outer longitudinal edge, in particular a part that is free of electronic information, such that the further respective outer surface is held in spaced relation from the cover part, while

the information carrier is slidable to a lock position in the receiving means, without said outer surface coming into contact with said cover part.

16. A device according to any one of the preceding claims, wherein the first and the second cover part are provided with receiving means.

5 17. A device according to any one of the preceding claims, wherein the receiving means are provided in, on or as an inlay, secured onto or in at least one of the cover parts.

18. A device according to claim 17, wherein it is designed as a Jewel case-type package.

10 19. A device according to claim 17 or 18, wherein it is substantially of a design of the size of a DVD box, in particular approximately 135 x 190 mm.

20. A device according to any one of claims 17-19, wherein inlay means are included for receiving at least two information carriers, in particular two types of information carriers.

15 21. A device according to any one of claims 5-20, wherein the or each resilient element is provided with a foot part attached to the respective cover part or the inlay, such that upon sliding the information carrier in or out, the foot part deforms elastically in a direction which includes an angle between 5 and 90° with the plane of the information carrier.

20 22. A device for packaging substantially platelike information carriers, provided with a first and second cover part, characterized in that at least one of the cover parts is provided with an inlay with receiving means for engaging and locking at least one information carrier, such that during use the information carrier can be brought into and out of the receiving means by sliding it approximately parallel to its surface.

23. An inlay for use in a device according to any one of claims 17-22.

24. A device according to any one of the preceding claims, wherein the inlay comprises an edge on which the receiving means are secured, while at least within the edge an opening is provided.

25. A device according to claim 24, wherein the inlay is secured on a cover part, for instance through gluing, such that said cover part is visible in said opening.
26. A device according to claim 24 or 25, wherein the cover parts have
5 been folded from plate material such as cardboard or plastic.
27. A device according to any one of claims 24-26, wherein said cover part is transparent, such that an information carrier is visible through said opening.
28. A method for filling a device according to any one of the preceding claims, wherein the device in open position is presented to a filling apparatus,
10 whereafter with the filling apparatus an information carrier is brought above or against a cover part and is subsequently moved approximately parallel to its surface, along the respective cover part, into receiving means arranged thereon.

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